

EXHIBIT 15 TO
STATEMENT OF FACTS

SEXY HAIR CONCEPTS LLC,)

Opposer,)

vs.)

V SECRET CATALOGUE, INC.,)

Applicant.)

Opposition No. 125, 739

(SO SEXY)

COPY

DEPOSITION OF DONNA FEDERICI

Chatsworth, California

Wednesday, September 29, 2004

Reported by:

MEGAN M. GROSSMAN

CSR No. 12586

JOB No. 152100

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD
3

4 SEXY HAIR CONCEPTS LLC,)

)

5 Opposer,)

)

6 vs.) Opposition No. 125, 739

) (SO SEXY)

7 V SECRET CATALOGUE, INC.,)

)

8 Applicant.)

)

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15 Deposition of Donna Federici, taken

16 on behalf of Opposition, at 9232 Eton Avenue,

17 Chatsworth, California, beginning at 10:01 a.m.

18 and ending at 5:26 p.m. on Wednesday,

19 September 29, 2004, before MEGAN M. GROSSMAN,

20 Certified Shorthand Reporter No. 12586.
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1 APPEARANCES:

2

3 For Opposition:

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8 For Defendant:

9 COLUCCI & UMANS

By: Frank J. Colucci, Esq.

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11 (212) 935-5700

12

13 Also Present:

14 Mark Stiller (Joined proceedings at 4:28 p.m.)

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1 take any steps to transition the Big Sexy Hair brand from
2 the Formulas by Ecoly, Big Sexy Hair?

3 A Yeah. We started first by changing the
4 packaging and removing the Formulas by Ecoly logo from
5 the front. And new products that came in were launched
6 with Sexy Hair Concepts rather than the Formulas by
7 Ecoly, Big Sexy Hair look.

8 So that was the morphing as far as establishing
9 that way. Some changes in the way the brand package
10 appeared started to happen.

11 But because you have existing package already --
12 you have some in your warehouse, you have some in your
13 distributors' warehouses, you can't just erase the board
14 clear. You have just got to morph it into what it can
15 become.

16 Q Were there subsequently other brands or
17 sub-brands added under the umbrella of Sexy Hair
18 Concepts?

19 A Yes.

20 Q Can you tell me how that developed?

21 A Well, while we were establishing or launching
22 the products under Big Sexy Hair, we started working on
23 Straight Sexy Hair.

24 Q And When was that?

25 A Well, the trend was there. Also, Big Sexy Hair

1 is a volumizing, moisturizing. That lends towards
2 boomers. That lends toward people who have that type of
3 challenge or problem or they want that sort of thing.

4 But straight hair is erratic texture. And that
5 was a very big group of people that would have a lot of
6 sales. If I could market towards a very large group of
7 people, it's far better to do that.

8 As much as I already had boomers in my sights, I
9 wanted the second largest one I could go for. In this
10 case, in trends straightening hair was becoming -- we
11 knew it was going to take a real big jump.

12 Q What --

13 MR. COLUCCI: Excuse me. Motion to strike
14 answer as nonresponsive.

15 MS. JACOBS-MEADWAY: It was responsive.

16 Q What do you mean by erratic hair?

17 A Erratic texture hair is basically multicultural
18 hair. Multicultural hair, especially in Los Angeles --
19 because we have been cross-marrying for generations --
20 has created hair that doesn't really do what it was
21 normally set out to do.

22 So it could kink or curl or wave or whatever.
23 So you want to control that. It's another problem that
24 you have. You need a solution.

25 You either want to straighten it, smooth it, or

1 you want to define that erratic texture. You want to
2 define the curl. So erratic texture hair is basically
3 multicultural hair. And this was a very huge population
4 that we were going to go after.

5 Q What did you do in connection with targeting the
6 market for multicultural hair?

7 A We first launched four products under Straight.
8 We tried to be innovative. We can't just put things that
9 are already out there just because it exists.

10 So you have to have something that's of need.
11 You have to be relevant. In this case, Michael is a
12 hairdresser. So putting forth relevant products is
13 really important to the hairdressing business.

14 So we created, I want to say, Arrow Straight
15 which is the very first aerated, aerosol physical
16 straightener; Smooth and Seal; and I think that the
17 Straight Shampoo and Conditioners came out at the same
18 time.

19 So there were four products that were first
20 launched with Straight.

21 Q Were those all sold under the Straight Sexy Hair
22 brand?

23 A Straight Sexy Hair. Yes. But they also -- a
24 couple of them -- and I want to say the first four --
25 still had Formulas by Ecoly and Straight Sexy Hair

1 because at the time when we launched Big, we already had
2 a complement of products that we were working on knowing
3 that these SBUs were going to be established.

4 Q What are the SBUs, or strategic business units,
5 that you have under the umbrella of Sexy Hair Concepts?

6 A Currently, I have Big Sexy Hair, Straight Sexy
7 Hair, Curly Sexy Hair, Healthy Sexy Hair. I have Wild
8 Sexy Hair, and I have Silky Sexy Hair. I have Short Sexy
9 Hair -- did I say that already?

10 Q No.

11 A I think those -- then I have Sex Symbol. There
12 are still products in there. I think those are the ones
13 currently on the market.

14 Q Now, in connection with your role of brand
15 management for the Big Sexy Hair brand or strategic
16 business unit, what have you done in terms of managing
17 that brand since you joined the company?

18 A We have done product extensions and continued to
19 launch products in it up to this year, adding the
20 products that we needed to complement the entire brand.

21 We have morphed it, changed the packaging, made
22 it more distinctive, promoted it in any fashion I
23 possibly can because it's a very popular brand. So I
24 have used it in press situations and give-aways and
25 sampling.